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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,659	09/10/2003	Nathaniel Christopher Herwig	11388.00	3696
26884	7590	12/30/2004	EXAMINER	
PAUL W. MARTIN LAW DEPARTMENT, WHQ-4 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,659

Applicant(s)

HERWIG ET AL.

Examiner

EDWYN LABAZE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 10/27/2004.
2. Claims 1-8 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Austin et al. (U.S. 5,781,708).

Re claim 1: Austin et al. discloses integral bar code printer and reader system and method of operation, which includes a printer [herein referred as the printing system 100 comprising of a print engine 102, as shown in fig. # 2A], including a housing (col.4, lines 15-67); a bar code reader [through the scan engine 114 as shown in fig. # 2A-B or reference 130 as shown in fig. # 3A to scan the preprinted bar code labels] in the housing (col.6, lines 10-40; col.7, lines 1+); and control circuitry [through the peripheral interface 110; see fig. # 2A] in the housing for facilitating communication of data between the printer and a separately housed controlling computer 104 and between the bar code reader and the separately housed controlling computer over a single cable 106 (col.4, lines 32+).

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Re claims 2-3: Austin et al. teaches an apparatus and method, wherein the bar code reader 114/130 comprises an imaging scanner and the imaging scanner comprises a CCD/charge coupled device scanner (col.4, lines 55-60).

Re claim 5: Austin et al. discloses an apparatus and method, wherein the bar code reader is located in a position in the housing that does not interfere with operation of the printer (see fig. # 2A, Austin et al. further discloses that the host computer 104 provides command as well as perform independent tasks, and wherein the printer and the reader cannot interact with each other; col.5, lines 15-45).

Re claim 6: Austin et al. teaches an apparatus, wherein the control circuitry comprises a universal serial bus hub [to one skilled in the art a USB hub is a controller {herein described by Austin et al. as reference # 110; and as exemplified by the examiner in US references 6,315,582 by Nishio et al. (see fig. # 2); 6,178,513 by Lee (see fig. # 2)} that provides interface to input/output peripheral devices, a control circuit that includes a plurality of serial ports 116, 106 and allow plug-and-play between a computer and scanner/printer and the like. Austin et al. teach such method in fig. # 2A-B] (col.4, lines 35+).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin et al. (U.S. 5,781,708) in view Spencer et al. (U.S. 5,975,417).

The teachings of Austin et al. have been discussed above. Austin et al. further discloses a universal serial bus printer in the housing; a universal serial bus charge coupled device scanner in the housing; wherein the scanner is located in a position in the housing that does not interfere with operation of the printer (see fig. # 2A, Austin et al. further discloses that the host computer 104 provides command as well as perform independent tasks, and wherein the printer and the reader cannot interact with each other; col.5, lines 15-45), and a universal serial bus hub for facilitating communication between the printer and the computer [to one skilled in the art a USB hub is a controller {herein described by Austin et al. as reference # 110} that provides interface to input/output peripheral devices, a control circuit that includes a plurality of serial ports 116, 106 and allow plug-and-play between a computer and scanner/printer and the like. Austin et al. teach such method in fig. # 2A-B] (col.4, lines 35+).

Austin et al. fails to teach a presentation scanner.

Spencer et al. discloses convertible barcode scanner, which includes a presentation scanner 10 (col.4, lines 7+).

In view of Spencer et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Austin et al. a presentation scanner also known in the art as a hand-free/pass-through scanner so as to permit the barcodes to be presented to the scanner with a motion that is parallel to the window. Furthermore, such modification would be beneficial to the user by reducing stress and fatigue of holding to use the [wand] scanner, wherein the presentation scanner is fixedly connected to

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housing/device while bar coded objects are moved through the scanned field. Moreover, such modification would have been an obvious extension as taught by Austin et al., therefore an obvious expedient.

Response to Arguments

7. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kishida et al. (U.S. 6,002,844) discloses barcode printing system and its control method.

Outwater (U.S. 6,612,494) teaches product authentication system.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
December 24, 2004



THIEN M. LE
PRIMARY EXAMINER